

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

In re DONALE EUGENE COPES,
Plaintiff,

No. C 12-2015 PJH (PR)

**ORDER RECLASSIFYING
CASE AND SETTING
DEADLINE**

This case was opened when Copes wrote a letter to the court. In an effort to protect his rights, it was treated as an attempt to open a new case. It was classified as a prisoner civil rights case not involving conditions of confinement (nature of suit 550). However, in the letter plaintiff clearly expresses his wish that the court order his release – that is, if plaintiff intended to file a case at all, it would be a habeas case (nature of suit 530), because it involves the fact or length of his confinement. The clerk therefore shall reclassify the case on the docket as a 530.

The day the case was opened the clerk sent plaintiff two notices, one that he had not paid the filing fee or applied for leave to proceed in forma pauperis (“IFP”), and the other that he had not filed a complaint. Included with the notices were the court’s form for IFP applications and a prisoner civil rights form packet. He has returned a completed IFP form, but not a complaint. Because this is in fact a habeas case, the complaint form would not be suitable in any event, and it may have confused plaintiff. The clerk shall send plaintiff the court’s form packet for habeas cases with his copy of this order. Plaintiff shall file a habeas petition within twenty-eight days of the date this order is entered. If he does not, the case will be dismissed.

IT IS SO ORDERED.

Dated: June 18, 2012.



PHYLLIS J. HAMILTON
United States District Judge